

DIST/OFFICE	YR.	NUMBER	MO.	DAY	YEAR	N/S	O	R	R	S	DEMAND	JUDGE	JURY	DOCKET
												NUMBER	DEM.	NUMBER
1085-4	75	0133	04	14	74	4	190	1	31	23		8510		75 0133-C

PLAINTIFFS

F. W. MYERS & CO., INC.,
a corporation

DEFENDANTS

CAN-AM DISTRIBUTORS & WARE-
HOUSE, INC., a corporation

Third Party Defendants:

DEWAYNE FRANKS,
JAMES T. FEEMSTER,
DONALD DOYLE

CAUSE

Suit on an open account and the amount in controversy exceeds the sum
of \$10,000.00, exclusive of interest and costs.

ATTORNEYS

Ungerman, Grabel & Ungerman
Sixth Floor Wright Building
Tulsa, Oklahoma 74103
584-6101

Gary J. Dean 825-2211
Lyons & Dean
P. O. Drawer 1047
Pryor, Oklahoma 74361

James E. Frasier (Dewayne Franks)
Mezzanine Floor, Beacon Building
Tulsa, OK 74103
584-4724

Phillips Breckinridge (Doyle) 582-5141
Law Bldg., 500 West 7th
Tulsa, OK 74119

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAULERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	5-1-75
				JS-6	3-1-77

DATE	NR.	PROCEEDINGS
4-14-75	1.	Complaint, filed. Summons issued. lm
4-21-75		Return on U.S. Marshal's Service, Summons and Complaint, filed. Served James Feemaster, at Big Cabin, OK, on 4-18-75, with fees of \$17.64. v
5-9-75	2.	Deft's motion for more definite statement, filed. hm cps mld
5-21-75	3.	APPLI. to withdraw motion for more definite statement, and for additional time to answer, filed. lm (o to J)
5-21-75	4.	Order permitting withdrawal of motion for more definite statement and granting additional time to answer, filed, granting deft. 30 days from this date to ans. (HDC-J)hm (copies mailed)
6-20-75	5.	Application of deft. for ext. of time to answer, filed. g
6-23-75	6.	Order of Extension of time to answer, due Aug. 6th. filed. sw
8-8-75	7	Deft's appl. for 15 days after pltf. complies w/ mot. to produce to answer, filed.k
8-8-75	8	Deft's motion for production & copying of documents, filed.k
8-8-75	9	Order, filed, granting deft. 15 days after pltf. produces requested items to file its answer. (HDC-J)g cpies mailed.
11-14	10.	Order, filed, giving deft. until 12-1-75 to file answer. (HDC-J)hm (copies mailed)
12-1	11.	Answer of deft., Can-Am, filed. ph
12-1	12.	Third party complaint of deft. Can-Am against defts. Dewayne Franks James T. Feemster and Donald Doyle, filed. Summons issued. ph
12-1	13.	Motion of deft. Can-Am to compel production of documents, filed.
12-2	MO:	It is ordered by the Court that the Pltf. file a responsive brief within 10 days to the motion to compel production of documents. (HDC-J) ph cps mld.
12-5		USM service, summons & comp, ret. & filed. Served James T. Feemster, on 12-3-75 in Craig County, Okla. Big Cabin. (USM \$16.02) tc
12-12	14	Pltf. response to def. mo/compel prod. of documents, filed. rm
<u>1976</u>		
1-19	15.	Answer of deft., DeWayne Franks, to third party complaint of Can-Am Dist. & Warehouse, Inc., filed. ph
1-19	MO:	Ordered that deft's mo/compel production of documents is referred to Mag. Bradford for hearing and recommendation. (HDC-J)hm
1-22	MO:	Case set for hearing onmo/compel prod. of documents before Mag. Bradford 1-27-76 at 1:30 p.m. (MLB-Mag)hm
1-27	16.	Answer of third party deft., Don Doyle, to third party complaint of deft., Can-Am Dist. & Warehouse, Inc., filed. ph
1-27	MO:	Ordered that by agreement of attys for parties, mo/compel production of documents may be withdrawn for the reason that pltf. has and will continue to furnish to defts. the documents requested, if available. (HDC-J)hm (letter written parties)
4-7	MO:	Case set for PT hearing Thurs., June 10, 1976, at 10:00 A.M. (HDC-J)ph

(Cont.)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>75-C-133-C</u>
F. W. Myers & Co., Inc.	Can-Am Distributors, et al	PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
<u>1976</u>		
5-24	17.	Answer of Third Party Deft. Feemster, filed w/leave of Court. (HDC-J)ph
5-27	18.	Appl. of pltf. to continue pre-trial conf. and ext. time to allow discovery, filed. rm
5-27	19.	Order continuing pre-trial conf. and extending ^{time} until 7-30-76 to allow discovery. (HDC-J)ph cps mld (PT conf. to be set upon appl.)
6-22	MO:	Case set for PT on 8-27-76 at 10:30 a.m. (HDC-J)ph notices mld
6-23	20.	Notice to take depos. upon oral exam of Dewayne Franks & Kathrena Franks, filed. hm
6-23	21.	Notice to take depos. upon oral examination of James Feemster, filed. hm
6-23 7-2	22.	Notice to take depos. upon oral examination of Donald Doyle, filed. hm Dep. Subpoenae, ret. & filed; served Donald Doyle 6-24-76, and James Feemster 6-24-76. (USM \$6.64)g served DeWayne Franks and Kathrene Franks 6-29-76. (USM \$20.56)g
7-13	MO:	Case set for hearing on objections to the taking of deposition 7-13-76 at 3:30 p.m. (HDC-J)hm
7-13	MO:	Case called for hearing on objections to taking of deposition. Parties represented. Statements made. Mr. Goldman & Mr. Breckinridge to file briefs on waiver issue, issue of privilege & oral questions within 14 days; Mr. Frasier to respond within 14 days & Goldman & Breckinridge to reply, if desired, within 5 days. Court takes ruling under advisement. (HDC-J)hm
7-27	23.	Brief of pltf., filed. rm
7-30	24.	Second applic.(of pltf.) to continue PT conference & ext. of time in which to further allow discovery, filed. hm
8-2	25.	Brief of third party deft. Doyle, filed. hm
8-3	26.	Order, filed, that Pltf. F. W. Myers & Co., Inc., be granted an ext. of time until 9-30-76 to allow for further discovery; pretrial confer. will then be set upon appl. (HDC-J)v -cps. mld.
8-5		Depositions of Donald Eugene Doyle, DeWayne Franks and James Thomas Feemster, on behalf of pltf., taken on 6/30/76, filed. (\$178.50 pd by pltf.) rm
8-5	27.	Reply brief of 3rd party def., Dewayne Franks, filed. rm
9-14	MO:	Case set for further hearing on obj. to taking of depos. for 10-1-76 at 10:30 a.m. (HDC-J)ph notices mld
10-1	MO:	Case called for further hearing on obj. to taking of depos. Statements made. Deft. Franks states privilege is not being invoked as to corporate records & partnership records; so Court orders all such records be produced as per subpoena duces tecum; the question of whether the privilege of deft. Franks as to his individual records has been waived, taken under advisement. All discovery should be complete with exception of that pertaining to question before the Court. (HDC-J)hm
10-4	28.	Order, filed, that any testimony given in a prior proceeding would not constitute a waiver of the privilege in the case at bar. (HDC-J)hm (copies mailed)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>75-C-133</u>
		PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
10-6	MO:	Case set for PT hearing 1-20-77 at 9:30 a.m. (HDC-J)hm
1-20-77	29.	Mot. of Pltf. for Summary Judgment, w/brief as part of pldg., fld. v
1-20	MO:	Case called for PT hearing. Parties represented. Statements made. Pltf. announces the filing of a motion for S/J this date & deft. Can-Am states no obj. & all parties agree. Motion is sustained & pltf. to prepare proper judgment w/amt. of \$2500 as atty. fees to be included. Case resolves down to issues between third party defts. Parties request this case be held in abeyance pending the outcome of state court action. Deft. Feemster moves to dismiss all claims & motion granted. Mr. Dean to prepare proper order by 1-26-77. (HDC-J)hm
1-26	30.	Order, filed and entered, that 3rd party complaints and cross complaints of Can-Am and Feemster are hereby dismissed, pursuant to stipulation, without prejudice. (HDC-J)rm-copies mailed
2-3	31.	Order, filed and entered, that pltf's motion for S/J is sustained & that judgment be entered in favor of pltf. in the sum of \$17,372.84, with int. at rate of 10% per annum from date of judgment, together with an atty. fee of \$2,500 to be taxed as costs, & all other costs of this action. (HDC-J)hm (copies mailed)
4-7	32.	Certified Copy of Partial Assignment of judgment in Dist. Ct. of Tulsa County, filed. ph